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VIA EMAIL AND U.S. MAIL

Daniel A. Nigh
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Re: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*
MDL No. 2666 – Deficiencies in Amended Plaintiff Fact Sheet
Dandrea et al v. 3M Company et al Case No.: 0:16-cv-02298-JNE-FLN

Dear Counsel:

We are in receipt of the second amended Plaintiff Fact Sheet (PFS) for the above-captioned matter. The second amended PFS still has core deficiencies, as set forth in the enclosed report.

Paragraph 4 of Pretrial Order No. 14 defines core deficiencies as “a lack of response to all questions in Section I, Section II, and Section III; Section IV, questions 1, 3, 7, 8, 9, 10; Section V, questions 5, 6, and 7; Section VI, questions 1, 3, 6, 7, 8, and 9; Section VII, questions 1 and 2; Section 8, question 2; Section IX, questions 1, 3, and 4, or lack of signed medical authorizations.” Paragraph 3 further requires a signed verification.

In addition, the instructions on the PFS form prohibit leaving spaces blank and provide as follows: “If a question is not applicable to you, please state ‘Not Applicable’ or ‘N/A.’” In our review, many deficiencies resulted from a plaintiff leaving one or more spaces blank.

Pursuant to paragraph 6 of PTO 14, within 3 weeks of the date of this letter, you must respond in writing by either (1) curing the deficiencies (by serving a further revised, verified PFS through Plaintiffs’ portal); (2) disputing the deficiencies and setting forth the reasons the PFS is not deficient; or (3) explaining why the deficiencies cannot be timely cured. When serving a revised, PFS through Plaintiff’s portal, you do not need to resubmit documents that were previously served with the original and/or any amended PFS. An updated verification is required, however, to be served along with the amended PFS.

Sincerely,

s/ Benjamin W. Hulse

Benjamin W. Hulse

cc: Plaintiffs’ Co-Lead Counsel
Enclosure

Title "Dandrea_Mario_16-cv-02298_01_Final_Draft_PFS-Dandrea_Mario"

Dandrea_Mario_16-
cv-
02298_01_Final_Draft_
PFS-Dandrea_Mario

PLAINTIFFS' LAST NAME - Dandrea
PLAINTIFFS' FIRST NAME - Mario
CASE NO. - 16-cv-02298_01
SECTION I (CASE INFORMATION) -
SECTION II (PERSONAL INFORMATION) - Incomplete
SECTION II - INCOMPLETE QUESTIONS - 01, 02, 03, 06, 07, 08, 09, 10
SECTION III (SURGERY INFORMATION) - Incomplete
SECTION III - INCOMPLETE QUESTIONS - 03
SECTION IV - 1 (VITAL STATISTICS) - Incomplete
SECTION IV - 10 (DRUG/ALCOHOL) -
SECTION IV - 3 (HEALTHCARE PROVIDERS) -
SECTION IV - 7 (PHARMACIES/DRUGSTORES) - Incomplete
SECTION IV - 8 (DENTAL PROCEDURES) - Incomplete
SECTION IV - 9 (TOBACCO) -
SECTION IX - 1 (CONSORTIUM NAME ETC.) -
SECTION IX - 3 (RESIDENCES) -
SECTION IX - 4 (MARRIED) -
SECTION V - 5 (DISABILITY CLAIMS) -
SECTION V - 6 (LAWSUITS) -
SECTION V - 7 (BANKRUPTCY) -
SECTION VI - 1 (PHYSICAL INJURY) -
SECTION VI - 3 (EMOTIONAL DISTRESS) -
SECTION VI - 6 (WARNINGS) -
SECTION VI - 7 (3M/ARIZANT COMMUNICATIONS) -
SECTION VI - 8 (3M/ARIZANT WARRANTY) -
SECTION VI - 9 (AUGUSTINE) -
SECTION VII - 1 (LOST PAST WAGES) -
SECTION VII - 2 (LOST FUTURE WAGES) -
SECTION VIII - 2 (VERBAL/WRITTEN STATEMENT) -
X.01 - SIGNED AUTHORIZATION - Incomplete
X.02.D - DOCUMENTS - SIGNED VERIFICATION - Incomplete
X.02.D.1 - DOCUMENTS - SIGNED VERIFICATION (NON-PFS RESPONSE) - NA
I.03.B - PLAINTIFFS' COUNSEL'S FIRM - Levin, Papantonio
I.03.E - PLAINTIFFS' COUNSEL'S EMAIL - dnigh@levinlaw.com